

REMARKS

Applicants wish to express their appreciation with the Examiner's willingness to meet and discuss the invention, the prior art and a proposed claim amendment. Applicants further wish to make above-noted amendments to the claims. In short, claim 1 has been amended as was discussed during the interview. Claims 16, 18, 22 and 31 had been independent claims, but are no longer. Claims 16, 18 and 22 have been amended to be dependent from claim 1, and claim 31 has been canceled. In the last Office Action, claim 19 had been indicated as being allowable if rewritten to include the claims from which it depended. Hence, claim 19 has now been rewritten as an independent claim to include the limitations of claim 1 and 18. Claims 1 and 19 are the only independent claims remaining. Claims 6, 20 and 21 have been amended to be consistent with claim 1.

Claims 7-13 are currently withdrawn on account of an election of species. If claim 1 is allowed, we request claims 7-13 to be added back into the application with the amendments proposed above. If claim 1 is not allowable, we understand that these claims will remain withdrawn.

In the last Office Action, claims 1-6, 14, 15 and 22 were rejected under 35 USC 102(b) as being anticipated by US Patent No. 3,048,360 to Foley. Additionally, claims 1-6, 14-18 and 20-21 were rejected under 35 USC 102(b) as being anticipated by US Patent No. 354,903 to Hastings. As discussed during the interview, Applicants submit that claim 1 is not met by these patents.

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Foley is a ceiling mounted IV holder with a different purpose and a different construction than in the present invention. Foley has developed a device that is mounted centrally over a bed so that the IV can be swung in an arc as needed to avoid the presence of hazards in the walkways adjacent the bed. The present invention is specifically designed to mount as needed to a vertical surface of a partition for a patient. As a result of the different purposes of the devices, there are differences in their constructions, which Applicants submit are brought out in the amended claim 1 above.

In particular, claim 1 recites an intravenous infusion equipment hanger assembly that includes a mounting member with a generally flat mounting portion for attachment to a generally vertical planar supporting surface of a partition. The claim recites means for attaching the mounting member to the partition so that (1) the mounting surface of the mounting member faces in a first direction toward the vertical supporting surface of the partition, and (2) the flat mounting portion and the mounting surface are each disposed in a generally vertical portion and parallel to and adjacent the supporting surface of the partition. The claim further sets forth at least one offset support that extends laterally from the mounting member in a second direction, opposite the first direction, to engage and support the hanger and position the pole in a generally vertical orientation and in a position parallel to the flat mounting portion and the mounting surface.

This is a construction that is unknown in Foley. In Foley, the device is not mounted to a generally vertical planar supporting surface of a partition. Even if the

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ceiling is a partition, there are no means for mounting the Foley device to a "generally vertical supporting surface" of a partition as claimed. Further, although the mounting member 18, 22 includes a mounting surface (the upper side of base 36), it is unmistakably intended to fit against the ceiling for mounting. As a result, the mounting surface does not face toward the generally vertical supporting surface of the partition or in a parallel relationship with the generally vertical supporting surface. Moreover, the offset support 24 mounting the pole 26 does not extend in a direction that is opposite to the direction faced by the mounting surface of base 36. Rather, the offset support and the mounting surface are parallel to one another. Since, there are a number of differences between Foley and the invention, Foley does not anticipate claim 1.

Further, there would have been no reason for one of ordinary skill in the art to have modified Foley to meet the construction set forth in claim 1. Foley intends to suspend the hanger from the ceiling to obviate the creation of obstacles in the walkways. To modify the Foley device to have the recited construction of claim 1 would be counterproductive to the objective of Foley. Moreover, there is no suggestion to make such a wholesale change to the Foley device. Hence, the invention would not have been obvious in view of Foley.

Hastings discloses a bracket for the hanging of coats or the like. It has no relevance to an intravenous infusion equipment hanger assembly. Applicants submit that it is not analogous and does not anticipate claim 1.

In addition, Hastings does not include a hanger that has a vertically adjustable

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elongate pole, at least one hanger element secured to the pole for supporting an intravenous infusion device, and a retainer to selectively fix the pole in different vertical positions. Even if the examiner believes the hanger elements are shown, it is clear that the vertically adjustable pole and retainer are not disclosed by Hastings. Hence, Hastings does not anticipate claim 1.

Further, there would have been no reason for one of ordinary skill in the art to modify Hastings to include a vertically adjustable pole and a retainer for selectively fixing the pole in different vertical positions. This is simply not a feature that would have been relevant to the purpose of Hastings, i.e., providing a simple wall mounted hanger for garments.

For completeness in the response, we also discussed during the interview US Patent Nos. 3,178,144 to Kimoto and 895,042 to Rogers.

Kimoto discloses a device for holding a lantern. It also has no relevance to an intravenous infusion equipment hanger assembly and is non-analogous art. Moreover, Kimoto does not disclose a relatively flat mounting member with a mounting surface that faces a vertical supporting surface of a partition or an offset support that extends from the mounting member in a direction opposite to the direction such mounting surface faces.

Rogers discloses a support for a wagon seat. Rogers not only has no relevance to an intravenous infusion equipment hanger assembly, it also has no relevance to a lantern holder. Even if Rogers has a mounting member with a mounting surface that

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faces a vertical supporting surface of a partition, there is no reason one of ordinary skill in the art of intravenous infusion hangers would even look to these two references, much less determine that it would have been obvious to change the Kimoto lantern holder to have a mounting assembly as disclosed by Rogers. There is no teaching or suggestion to do so. To reject the claims on this basis would impermissibly require the use the Applicants' own disclosure as a teaching or suggestion to make the combination.

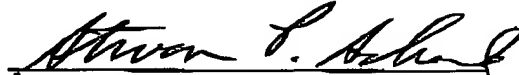
Further, the Kimoto lantern holder is designed to provide a relatively simple construction whereby the lantern may be supported from various shaped objects to provide maximum flexibility in use. We presume it is intended for use, for example, out in the woods whereby the C-clamp type mount could connect to a tree branch, picnic table or the like. To substitute the C-clamp mount for a Rogers type mount would be in direct conflict with the purpose of the Kimoto device. Hence, even apart from the disparity of the references, the purposes of the references dictates that a combination of the two patents to reach the claimed invention would not have been obvious.

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Therefore, Applicants submit that claims 1, 5-6 and 14-22 are allowable. A notice to this effect along with the additional allowance of claims 7-13 is requested.

Respectfully submitted,

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By: 
Steven P. Schad
Registration No. 32,550

BANNER & WITCOFF, LTD.
1001 G Street, N.W.
Eleventh Floor
Washington, D.C. 20001-4597
(202) 824-3000

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